

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAY 29 2019

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

DONGYUAN LI,

Defendant-Appellant.

No. 19-50132

D.C. No. 8:19-cr-00016-JVS
Central District of California,
Santa Ana

ORDER

Before: LEAVY, CALLAHAN, and BEA, Circuit Judges.

This is an appeal from the district court's pretrial detention order. We have jurisdiction pursuant to 18 U.S.C. § 3145(c) and 28 U.S.C. § 1291.

We review the district court's factual findings concerning risk of flight under a "deferential, clearly erroneous standard." *United States v. Townsend*, 897 F.2d 989, 994 (9th Cir. 1990). The conclusions based on such factual findings, however, present a mixed question of fact and law. *Id.* Thus, "the question of whether the district court's factual determinations justify the pretrial detention order is reviewed de novo." *United States v. Hir*, 517 F.3d 1081, 1086-87 (9th Cir. 2008) (citations omitted).

The district court correctly found that the government has met its burden of showing, by a preponderance of the evidence, that "no condition or combination of conditions will reasonably assure the [defendant's] appearance," 18 U.S.C.

§ 3142(e), and that appellant therefore poses a risk of flight. *See United States v. Motamedi*, 767 F.2d 1403, 1406 (9th Cir. 1985). We therefore affirm the district court's pretrial detention order.

Appellant's request for judicial notice (Docket Entry No. 6) and unopposed motion to file an oversized Rule 9(a) memorandum (Docket Entry No. 7) are granted.

AFFIRMED.